

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended, and in light of the following discussion is respectfully requested. Claims 1-26 are pending, Claims 1-11, 15 and 21 having been amended by way of the present amendment.

In the outstanding Office Action, Claims 3, 9 and 21 were rejected under 35 USC 112, second paragraph; Claims 1-8, 10-20 and 22-26 were rejected as being anticipated by Bark et al (U.S. Patent No. 6,515,626, hereinafter Bark); and Claims 1-26 were rejected as being anticipated by Morimoto et al (U.S. Patent No. 6,495,384, hereinafter Morimoto).

In reply, Claims 1-11, 15 and 21 have been amended consistent with 35 USC 112, second paragraph. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

Claim 1 has further been amended to clarify that the “elongated portion” (original Claim 1) has been replaced by the term “mesa stripe”. No new matter is added. (See e.g., specification, page 7, line 23, for example.) Independent Claim 15 was similarly amended, as well as the claims that respectfully depend from Claims 1 and 15 respectively.

The basis of the rejection is that Bark and Morimoto allegedly disclose all of the features of independent Claims 1 and 15. Applicants respectfully traverse the rejection.

In order to emphasize the difference between the presently claimed invention and the asserted prior art, the invention as presently claimed specifically refers to a “mesa stripe” instead of a elongated portion. It is respectfully submitted that the presently claimed invention finds adequate support in the present specification in that it relates to a mesa stripe for a laser diode that is used in order to create a smooth flow of etchant in the vicinity of an end member connected to the mesa stripe (see e.g., specification, page 7, lines 10-11).

In contrast to amended Claim1, Bark is directed to a planar microstrip patch antenna that does not include a mesa stripe. Likewise, Morimoto is directed to a defraction grating pattern that also does not include a mesa stripe.


Consequently, in view of the present amendment, it is respectfully requested that the rejection based on Bark and Morimoto be withdrawn with regard to amended Claim 1.

Although Claims 2-26 are of a different claim scope, or different statutory class, it is respectfully submitted that Claims 2-26 also patentably define over Bark and/or Morimoto for similar reasons discussed above with regard to amended Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comment, it is respectfully submitted that the invention defined by Claims 1-26, as amended, is definite and patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

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